

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PABLO CHAVEZ,

Plaintiff,

v.

RAMIREZ, et al.,

Defendants.

No. 1:20-cv-01269-ADA-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATION

(ECF No. 13)

Plaintiff Pablo Chavez (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* in this civil rights action. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 22, 2023, the Magistrate Judge filed findings and recommendations, recommending that the District Court dismiss this action for Plaintiff’s failure to comply with a court order and failure to prosecute this action (“May 22, 2023 findings and recommendations”). (ECF No. 13.) Specifically, the Magistrate Judge screened Plaintiff’s complaint and found that it failed to state a cognizable claim on April 17, 2023 (“April 17, 2023 Screening Order”). (*See generally* ECF No. 11.) Plaintiff was given three options: (1) file a First Amended Complaint (“FAC”); (2) file a notice that he intends to stand on his initial complaint subject to the Magistrate Judge recommending the District Court dismiss this action for the reasons stated in the April 17, 2023 Screening Order; or (3) file a notice to voluntarily dismiss this action. (*Id.* at 6.) Plaintiff

1 failed to exercise any of the three options. The May 22, 2023 findings and recommendations were
2 served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen
3 days. (ECF No. 13 at 5.)

4 On June 6, 2023, Plaintiff filed a motion requesting appointment of counsel, instead of filing
5 objections. (ECF No. 15.) While the Magistrate Judge denied Plaintiff's motion, he was granted
6 an extension of time to file objections to the Magistrate Judge's May 22, 2023 findings and
7 recommendations no later than June 20, 2023, providing an additional fifteen days to file
8 objections. (ECF No. 16.) Despite being granted an extension of time, Plaintiff failed to file any
9 objections, and the time to do so has expired.


10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a
11 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings
12 and recommendations to be supported by the record and by proper analysis.

13 Accordingly,

- 14 1. The findings and recommendation, filed on May 22, 2023, (ECF No. 13), is adopted in
15 full; and
- 16 2. The Clerk of Court shall terminate any pending motions, close this case, and enter
17 judgment against Plaintiff.

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20 IT IS SO ORDERED.

21 Dated: July 17, 2023

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UNITED STATES DISTRICT JUDGE